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January 16, 2008

BY FACSIMILE

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1320
New York, NY 10007

Re: Grauer v. UBS Financial Services Inc., et al., 07-CV-5450

Dear Judge Preska:

As you know, we represent the Defendants in the above-referenced matter. As Your Honor requested during yesterday's conference, we write memorialize our understanding of the Court's order at the conference.

Although we originally intended this letter to be a joint filing, it appears that Ms. Goodman has filed a separate letter due to what she has mischaracterized as a "refusal to confirm deposition dates." Although it is true that we were unable to confirm with our clients which of the proposed dates worked for their schedules, we explained to Ms. Goodman that we definitely would produce Mr. Connell on one of the three proposed dates, and that we would try to get her a firm date this evening. However, she wrote to the Court prior to confirmation from our clients that we have selected March 4 for Mr. Connell's deposition.

Subpoena for Cellular Telephone Records of Barry Connell

The Court continued the stay of the subpoena duces tecum issued to Cellico Partnership d/b/a Verizon Wireless demanding Mr. Connell's personal cellular telephone records. Plaintiff is entitled to propound an interrogatory to Mr. Connell regarding his communications with Plaintiff between June 29, 2006 and November 2006. Mr. Connell shall respond to the interrogatory within one week of receipt of the interrogatory.

Thompson Wigdor & Gilly LLP ATTORNEYS AND COUNSELORS AT LAW

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Subpoenas Issued to UBSFS Clients

The Court issued a stay of the subpoenas issued to UBSFS's current clients, Eugene Chernick (deceased), Scott Chernick, Ellen Lawrence, Louis Magrino and Peter Margonelli, demanding their attendance at depositions and requiring the production of certain documents. Plaintiff is entitled to propound a document request seeking all documents concerning disputes between any of these specific clients and UBSFS and/or a financial advisor relating to a financial advisor's conduct. Defendants shall use their best efforts to produce responsive documents, if any, within two weeks of receipt of the document request.

Deposition Dates

The parties have agreed upon a deposition schedule for the following witnesses:

Deposition pursuant to Rule 30(b)(6): February 5, 2008
Michael Grauer: February 26, 2008
Barry Connell: March 4, 2008

In addition, Plaintiff's counsel shall immediately call Plaintiff's medical providers for whom Plaintiff has not previously provided written medical authorizations pursuant to HIPAA to request that they compile Plaintiff's medical records. Plaintiff shall produce executed medical authorizations for the release of such records upon his return from vacation on January 21.

We respectfully thank the Court for its attention to this matter.

Respectfully Submitted,


Douglas H. Wigdor

cc Janice Goodman, Esq. (by e-mail)

SO ORDERED


LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

January 17, 2008